

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1412 OF 2010

ORDER:

The petitioner/accused has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order, dated 04.08.2010, passed in Criminal Appeal No.32 of 2008 by the District and Sessions Judge, Chittoor, whereby the learned Sessions Judge dismissed the Criminal Appeal by confirming the order of conviction and sentence, dated 05.02.2008, passed in C.C.No.112 of 2005 by the Judicial Magistrate of First Class, Kuppam, whereby the learned trial Judge convicted the petitioner/accused for the offence under Section 304-A IPC and accordingly sentenced him to suffer simple imprisonment for a period of one year and to pay a fine of Rs.200/- (Rupees two hundred only), in default, to suffer simple imprisonment for one day.

Heard and perused the material available on record.

When the case is taken up for hearing, learned counsel for the petitioner confined his arguments only with regard to quantum of sentence. He submits that the petitioner has to look after his old aged parents and he is the only breadwinner in his family, and as such, a lenient view may be taken while imposing sentence of imprisonment.

Being it is a concurrent finding by the trial Court as well as the lower appellate Court, this Court is not inclined to interfere with the order of conviction. However, considering the submission of the learned counsel for the petitioner and the nature of offence, this Court is inclined to take a lenient view.

The conviction recorded against the petitioner/accused by the Judicial Magistrate of First Class, Kuppam, in C.C.No.122 of 2005, dated 05.02.2008 for the offence under Section 304-A IPC, as confirmed by the

learned District and Sessions Judge, Chittoor, in CrI.A.No.32 of 2008, dated 04.08.2010, is hereby confirmed. However, the sentence of imprisonment imposed by the Courts below is modified to that of the petitioner, already undergone by the petitioner. The petitioner is directed to pay additional fine of Rs.6,000/- (Rupees six thousand only) on or before 30.10.2016, in default of payment of additional fine, the petitioner shall undergo simple imprisonment for a period of one month.

The Criminal Revision Case is accordingly disposed of. Consequently, Miscellaneous Petitions pending, if any, stand dismissed.

30.08.2016
pln



JUSTICE RAJA ELANGO